

**FLATHEAD COUNTY PLANNING AND ZONING OFFICE
MAJOR LAND USE PERMIT REPORT (#FCMU-11-02)
GREEN VALLEY RANCH, LLC
FEBRUARY 29, 2012**

A report to the Flathead County Planning Board regarding a request by Green Valley Ranch, LLC for a major land use application to allow for the expansion (greater than 25%) of an existing commercial activity area (involving more than 1 acre), to allow for the development of a zip line and ropes course tour on the subject property [pursuant to Section 6.2(c)(4)(b) CALURS]. The subject property is comprised of a total of eight parcels (approximately 475 acres of land) partially located within the Middle Canyon District of CALURS (the Canyon Area Land Use Regulatory System).

The Flathead County Planning Board will hold a public hearing on the proposed major land use on March 14th, 2012 beginning at 6:00 PM in the 2nd floor conference room of the Earl Bennett Building, 1035 First Avenue West, Kalispell. A recommendation from the Planning Board will be forwarded to the County Commissioners for their consideration. Documents pertaining to the application for a major land use permit are available for public inspection at the Flathead County Planning and Zoning Office in the Earl Bennett Building, located at 1035 First Avenue West in Kalispell.

I. APPLICATION REVIEW UPDATES

A. Land Use Advisory Committee/Council

The Middle Canyon Land Use Advisory Committee met on Tuesday, February 28th, at 7:00 PM in the West Glacier Fire Hall to review the proposed major land use application and make a recommendation to the Flathead County Planning Board. Staff presented the draft report, reviewing pertinent criteria and respective conditions related to signage, parking and access, sanitation requirements, stormwater and phasing requirements.

Following staff's presentation, Committee members posed questions to staff regarding the zoning administrator interpretation written in December of 2011 regarding the expansion of use, and how the zoning office felt a use not otherwise defined in the regulations fit within this expansion language. Staff explained the Zoning Administrator had referred to language in the neighborhood plan (Chapter Five, page V-10) which broadly defines local recreation business and tourist amusement activities contemplated as appropriate for the area; it was determined non-mechanized zip line tours would fall within this category of recreational opportunities and would therefore be appropriate given language in the plan and the zoning text.

Questions were also posed by the Committee related to the height of the zip line platforms and towers, and whether these entities would be required to meet the 35 ft. height restriction of the district. One member of the public also voiced some concerns over the heights of towers to be utilized. Staff explained that based on the definition of 'structure' found in the CALURS regulations, the decking proposed as part of the zip line operation would not qualify as structural; however, support towers would appear to meet the definition of structure, as they would be permanently

attached to the ground. The applicants stated they were not sure of the exact height the towers would be, as this was solely dependent on the final layout and topography involved; they did not feel any tower would extend above tree-line. Staff suggested the committee consider recommending a condition that would require a variance to height restriction be obtained, if the final layout of the zip line course required structural towers higher than 35 feet.

The topic of signage and the limitations imposed by Condition #4 were also discussed by the Committee, the applicants and staff. The applicants had requested the 8 sq. ft. of off-premise signage allowed for the Green Valley Ranch property be relocated to the Montana Raft Company property up the highway, as this would be where staging would occur until Phase 3 of the development. Staff explained that a major land use review was not the appropriate venue to request a variance to the regulations; while the request was perfectly logical and may be grounds for a variance; this would have to be considered as a separate application, not within the context of a major land use review. The ownership arrangement was discussed at length, as the signage regulations permit one sign per business – not property, as well as the nature of recreation businesses (most outfitters place signage at the location of the business office and not necessarily where the activity is occurring; for instance, rafting). Staff suggested some alternate language for Condition #4 if the committee had strong feelings on this issue; Committee member Nic Lee felt the applicants should go through a variance to relocate signage and did not feel the condition needed to be altered at this time.

Staff also mentioned the inclusion of time limits for the proposed phasing of the project, to ensure the review remained current and planning staff could easily follow up on the project status over time. Staff suggested two to three year increments for each phase, and asked the applicants if they had alternate suggestions; none were presented during the meeting.

Following lengthy discussion on the topics listed above, a motion was made by Nicolas Lee and seconded by John Glader to recommend approval of the major land use permit to the Flathead County Planning Board, based on the findings of fact presented by staff and with the addition of Condition #13 regarding height restrictions (refer to addendum for specific language); upon roll call vote the motion passed on a vote of 2-0 (one Committee seat remains vacant).

B. Planning Board

The Flathead County Planning Board will hold a public hearing on the proposed major land use application on March 14th, 2012 beginning at 6:00 PM in the 2nd floor conference room of the Earl Bennett Building, located at 1035 First Avenue West in Kalispell, and make a recommendation to the Flathead County Commissioners. This space is reserved for a summary of the Flathead County Planning Board's discussion and recommendation.

C. Commission

The Flathead County Commissioners will consider the major land use application at a date and time to be determined. This space is reserved for a summary of the Commission's discussion and decision.

II. GENERAL INFORMATION

A. Application Personnel

i. Applicant

Josh Steel
c/o Green Valley Ranch, LLC
300 Desert Lodge Road
Coram, MT 59913

Cris Coughlin
c/o Montana Raft Company
P.O. Box 330
West Glacier, MT 59937

ii. Landowner(s)

Green Valley Ranch, LLC
300 Desert Lodge Road
Coram, MT 59913

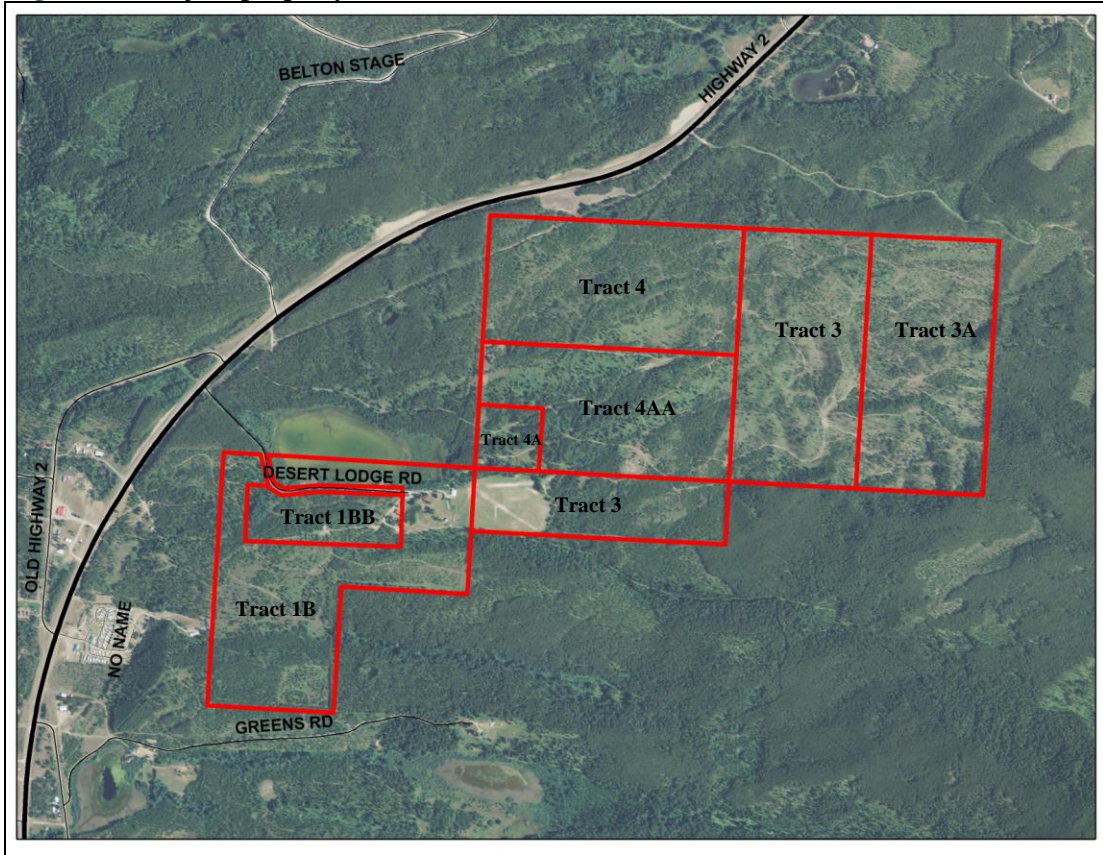
iii. Technical Assistance

None

B. Property Location and Size

The subject property is located to the east of U.S. Highway 2 and has current access to the highway via Desert Lodge Road. The property can be legally described as Tracts 4A, 4AA, 4, 3 and 3A in Section 15; Tracts 1B and 1BB in Section 21; and Tract 3 in Section 22, Township 31 North, Range 19 West, P.M.M., Flathead County, Montana (see Figure 1 below). The eight parcels comprise a total of approximately 475 acres.

Figure 1: Subject property (outlined in red).



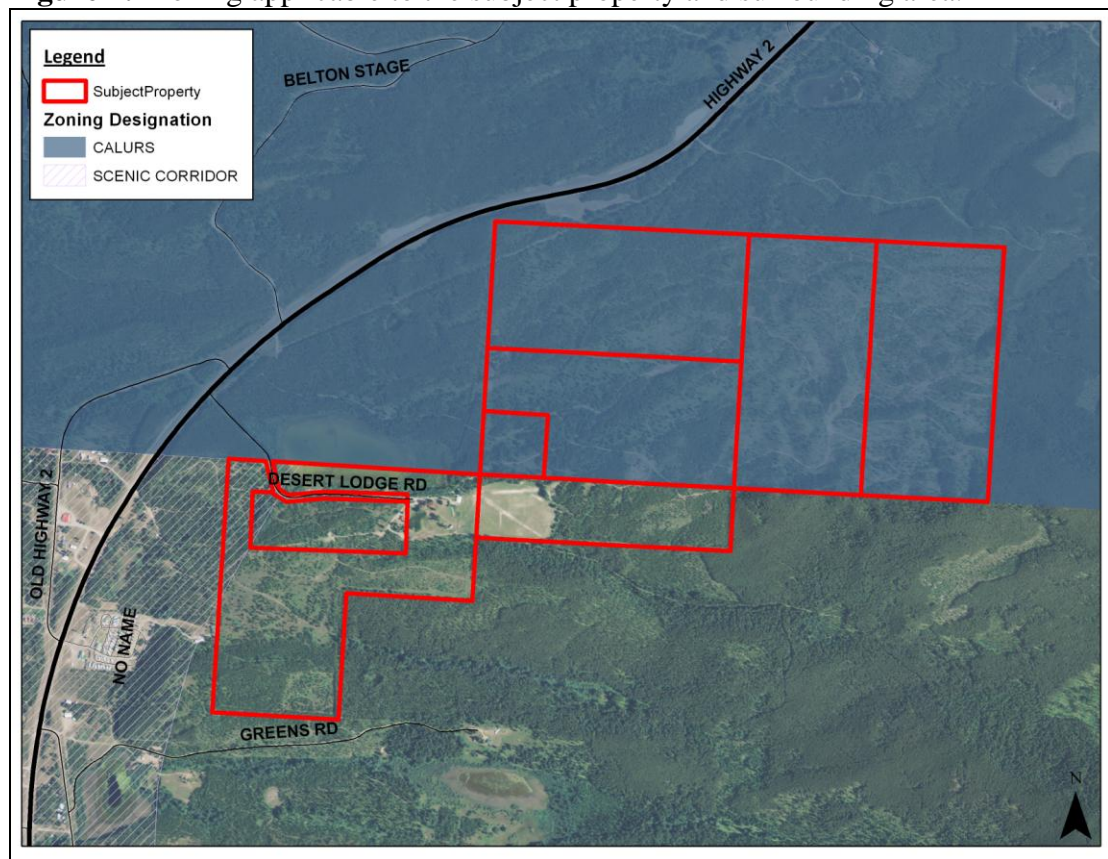
C. Existing Land Use(s) and Zoning

The northern five parcels of the subject property (tracts 3, 3A, 4, 4A and 4AA) are zoned “Middle Canyon” and located within the Canyon Area Land Use Regulatory System (CALURS); the three southern parcels remain predominantly un-zoned, although a small westerly portion of tracts 1B and 1BB are zoned “SC-Scenic Corridor” (reference Figure 2 below). According to the application materials, Green Valley Ranch (previously known as the Desert Mountain Lodge) has been operating as a dude ranch since 1947. A lodge, two (2) cabins, two (2) barns and an outbuilding are currently located on tracts 1B and 1BB; however, the ranch has historically offered a variety of recreational activities including horseback riding, cross-country skiing, hiking, mountain biking, snowmobiling and overnight camping on all of the subject properties. While these activities originate from the main lodge area near the end of Desert Lodge Road, they utilize an extensive trail and logging road network that extends throughout the northern portion of the property, primarily across tracts 3, 3A, 4, 4A and 4AA. In addition to recreational activities associated with Green Valley Ranch, license agreements for use of the trail network by commercial outfitters in the area were also submitted with the application materials, showing tracts 3, 3A, 4, 4A and 4AA are also utilized for horseback riding and overnight camping with groups such as Swan Mountain Outfitters.

D. Adjacent Land Use(s) and Zoning

As shown in Figure 2 below, property to the immediate north, north-east and north-west is similarly zoned “Middle Canyon” within CALURS. Parcels to the immediate west and southwest are zoned “SC-Scenic Corridor”, a land use designation intended to limit the placement of off-premise signs, billboards and cellular towers along highway corridors. Property to the immediate south and southeast is unzoned, similar to tract 3 and the majority of tracts 1B and 1BB. Land to the north, south and east of the subject properties is heavily timbered and undeveloped, owned by the U.S. Forest Service. The only development close to the subject property, commercial or otherwise, is a mobile home/RV park and museum located along U.S. Highway 2 and to the west of Tract 1B.

Figure 2: Zoning applicable to the subject property and surrounding area.



E. Summary of the Request

The applicants have applied for a major land use permit for the expansion (greater than 25%) of an existing commercial activity area (involving more than 1 acre), to allow for the development of a zip line and ropes course tour on the subject property [pursuant to Section 6.2(c)(4)(b) CALURS]. The proposed zip line and ropes course would utilize much of the existing trails network, but incorporate a series of decks/platforms to access the zip line, as well as a formalized staging area. The applicant has also proposed additional development to be completed in future phases

of the project, including permanent restroom facilities, a sheltered pavilion, office space and equipment shed.

A Zoning Administrator interpretation written December 6th, 2011, acknowledges that the existing commercial dude ranch activity – while originating on un-zoned tracts 1B, 1BB and 3 – encompasses all tracts owned by Green Valley Ranch, LLC, included those that are zoned “Middle Canyon” and utilized for recreational activities, whether through the Ranch or through a licensed outfitter. Therefore, the proposed use expansion requires a major land use permit to expand an existing commercial use/activity area, as the majority of the property on which the proposed zip line and ropes course tour would occur is located within the CALURS zoning. In many ways, the request is to expand the type of commercial, recreational use offerings on the subject property, incorporating zip line and ropes course tours alongside horseback riding, cross-country skiing, hiking, camping, etc. The actual use area will not change or expand significantly, as the ropes course and zip line tours will occur on the same tracts of land – and along many of the existing trails – as the current recreational activities occur. However, with the construction of the zip line platforms and staging area, as well as the future phased development potential, the commercial activity area devoted to zip line and ropes course tours will likely exceed one acre in size.

F. Compliance With Procedures of a Major Land Use Review

i. Pre-application date

A pre-application meeting was held on December 12th, 2011, in accordance with Section 3.3(B)(1) of CALURS

ii. Application submittal date

The application was submitted on December 15th, 2011, in accordance with Section 3.3(B)(2) of CALURS.

iii. Public Review Period

According to Section 3.3(B)(3)(a) of CALURS, a 60 day review period commences 10 days prior to the Planning Board hearing date that has been set. Therefore, the formal review period will begin on Sunday, March 4th, 2012.

iv. Decision Deadline Date

According to Section 3.3(B)(4) of CALURS, a decision by the Flathead County Commission must be made within the 60 day review period established. The 60 day review period ends on May 2nd, 2012.

G. Compliance With Public Notice Requirements

Adjacent property notification regarding the proposed zoning map amendment was mailed to property owners within 150 feet of the subject properties on February 24th, 2012. Legal notice of the Planning Board public hearing on this application will be published in the February 26th, 2012 edition of the Daily Interlake and the February 29th, 2012 edition of the Hungry Horse News.

H. Agency Referrals

Requests for comments were sent to the following agencies:

- Chuck Curry, Flathead County Sheriff
 - Reason: Subject property is within the Flathead County Sheriff's jurisdiction.
- Jim Chilton, Flathead County Solid Waste
 - Reason: Proposed use has the potential to contribute to - and potentially impact - solid waste disposal in the County.
- Glen Gray, Flathead City-County Health Department
 - Reason: Proposed use requires Environmental Health Services review.
- Joe Russell, Flathead City-County Health Department
 - Reason: Proposed use requires Environmental Health Services review.
- Coram/West Glacier Rural Fire Department
 - Reason: Subject property is within the department's jurisdiction.
- James Freyholtz, Montana Department of Transportation (MDT)
 - Reason: Proposed use has the potential to impact existing transportation infrastructure.
- Montana Fish, Wildlife and Parks
 - Reason: Subject property exhibits and is in close proximity to wildlife habitat that may be impacted by proposed use.
- Jamie Murray, Bonneville Power Administration (BPA)
 - Reason: Agency requested to receive all referrals for land use applications.
- U.S. Forest Service, Planning Staff Officer
 - Reason: Subject property is adjacent to, and may have an impact on, Forest Service property.

III. COMMENTS RECEIVED

A. Public Comments

As of the date of the completion of this staff report, no public comment has been received regarding the proposed Major Land Use application. Any public comment received after 5:00 PM on February 28th, 2012 will be summarized verbally and entered into record at the public hearing held by the Flathead County Planning Board.

B. Agency Comments

As of the date of the completion of this staff report, the following agency comment has been received regarding the proposed Major Land Use application. Any agency comments received after 5:00 PM on February 28th, 2012 will be summarized verbally and entered into the record at the public hearing held by the Flathead County Planning Board.

- James Chilton, Operations Manager, Flathead County Solid Waste District
 - The District requests that to Coram green box site should not be the primary method of solid waste disposal. Evergreen Disposal is the Public Service Commissioner licensed hauler for this area.
 - The applicant is recommending the use of animal proof containers at the proposed site.

- After reviewing the project summary, I believe the applicant is approaching the issue of solid waste in an appropriate manner.
- Glen Gray, R.S., Flathead City-County Public Health Department
 - As a guest ranch, the existing facility is not subject to licensure by the Food & Consumer Safety Section of the Department of Public Health and Human Services (DPHHS). However, any change in operation relative to expansion may require licensure. Therefore, prior to moving forward with any improvements (should the major land use permit be approved), the applicant *must* meet with the Environmental Health Department to clarify the services being offered; in particular, the food service related to the zip line and any overnight camping.
 - Another concern is the plan for all participants (in the zip line and ropes course tour) to meet at the Montana Raft Company's main office (off-premise). It is estimated there will be up to 18 trips per day with 12 people on each tour for a total of 216 participants per day. The raft company's office is served by a sewage treatment system constructed in 1996; the system can provide for 20 guests per day with showers, 20 employees per day with showers, meal preparation and limited laundry for a total of 1360 gallons of wastewater per day.
 - With the potential addition of 216 guests – some of whom may require bathroom facilities before or after their tour – it stands to reason that this added use could result in several hundred additional gallons of wastewater per day. The result of this additional use could be hydraulic overload on the existing sewage treatment system. Therefore, an accounting of the current wastewater generation must be done before this office can assume the proposed use (zip line tours) will not create a problem. Details of operation at the Montana Raft Company's main office complex must therefore be provided to the Environmental Health Department prior to commencement of zip line tours, to ensure the existing system has the capability to handle the proposed use.
 - This office must also conduct a site evaluation for a sewage treatment system for each permanent restroom as well as the new office building proposed on the subject property (in future expansion phase), if the building is to be served by water and sewer.
- James Freyholtz, Traffic Engineer, Montana Department of Transportation
 - The property currently has access to U.S. Highway 2 East via Desert Lodge Road. It also has access via Forest Service Road 11067 which has been used as a historic access to the property on which the proposed use will be located.
 - The proposal also indicates the possibility of a new approach (in future expansion phase). If there is a new approach, the owners will need to contact the MDT Kalispell Office to complete a Driveway Approach

Application & Permit, as well as an Environmental Checklist on the approach. Approaches need to be constructed to MDT's approach standards, meet sight distance requirements and have no negative effect on the transportation system or adjacent existing accesses.

- Peggy Weyant, Realty Technician, Bonneville Power Administration
 - In reviewing the proposed plan, we have found that this proposal will not impact any BPA transmission line corridors located within this area; BPA does not have any objections to the approval of this request at this time.
- Leo Rosenthal & John Vore, Biologists; Montana Fish, Wildlife & Parks
 - Montana Fish, Wildlife and Parks has no comment regarding the major land use permit request.

IV. CRITERIA REQUIRED FOR CONSIDERATION

The following is an evaluation of the applicable performance standards for a major land use permit as established in Chapter 4 of the Canyon Area Land Use Regulatory System (adopted by Resolution No. 1049A).

A. Outdoor Advertising:

All businesses in the Canyon have the right to outdoor advertising, consistent with the standards outlined in Chapter 4 of the Canyon Area Land Use Regulatory System. On premise signs are limited to one freestanding sign *per business*, not to exceed 16 square feet in size; two freestanding signs may be permitted if the property has highway frontage in excess of 300 linear feet. Building signs are also allowed under the regulations, in addition to the freestanding signs permitted, with size restrictions pursuant to Section 4.1(A)(d)(4) of CALURS. Off-premise signs are generally prohibited in the district, with the exception of consolidated signage near the entrance to West Glacier, as well as the option to allow one eight (8) square foot sign located at the primary access to a property which does not have direct access and visibility from the highway [per Section 4.1(A)(3)(c)(2) of CALURS].

The subject property accesses highway indirectly via Desert Lodge Road; the majority of the tracts are set back from U.S. Highway 2, situated at the end of Desert Lodge Road and not visible from the highway corridor. This makes the placement of on-premise signage somewhat difficult, as there would be minimal sign visibility from the highway. The northwest corner of Tract 4 is adjacent to the highway corridor; an on-premise sign could be placed at this location, although the manner in which the parcel is situated may limit a sign's visibility from the highway. As an alternative, one free-standing, on-premise sign could be placed on Tract 1B or 1BB along Desert Lodge Road, with an off-premise sign located at the intersection of Desert Lodge Road and U.S. Highway 2 (with the adjacent property owner's permission, as well as securing appropriate permits from the Montana Department of Transportation); this scenario would enable the applicants to utilize their maximum signage allowance – both on and off-premise – within the parameters of the regulations.

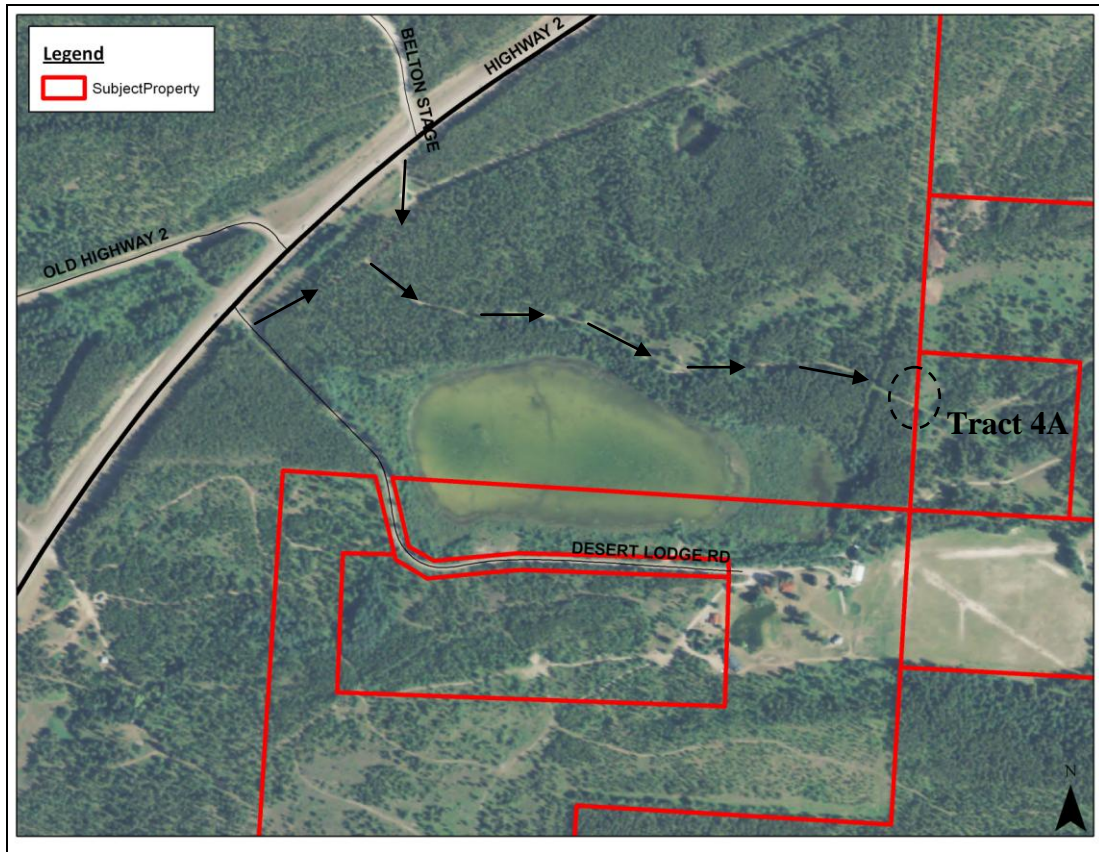
The applicants have alternately requested that the sign allowance permitted for the zip line and ropes course tours be applied to, and located at, the Montana Raft Company's main office (four miles north and east at 2600 Old U.S. Highway 2 East). As this will be the primary parking and ticket sales location for the zip line and ropes course tours, it would seem a logical location for the signage pertaining to this business activity. However, the applicant's request constitutes a variance to the signage regulations outlined in CALURS; such a request would require a variance be applied for, reviewed and approved by the Flathead County Board of Adjustments, per Section 2.4 of CALURS.

Finding #1- The signage proposed by the applicant for the major land use under review does not comply with the performance standards outlined in the regulations because a variance is necessary prior to the reallocation of on-premise sign square footage; however, alternatives exist that would allow the incorporation of both on-premise and off-premise signage for the proposed major land use, in accordance with the regulations.

B. Access and Road Standards

Green Valley Ranch is presently accessed using Desert Lodge Road, a gravel County road sitting within a 66 ft. easement (per Certificate of Survey No. 14099); the road has historically provided access to the ranch since its development in the 19040's. Access to the proposed zip line and ropes course tours will occur using Forest Service Road 11067, a 24 ft. gravel road described on the Hungry Horse Ranger District Motor Vehicle Use Map as a road "open to highway legal vehicles" (see Figure 3 below). This road may be accessed from Desert Lodge Road as well as from an approach off U.S. Highway 2 further north of Desert Lodge; the road then travels across Forest Service property and enters Green Valley Ranch through Tract 4A (shown below).

Figure 3: Access to subject property from U.S. Highway 2 East.

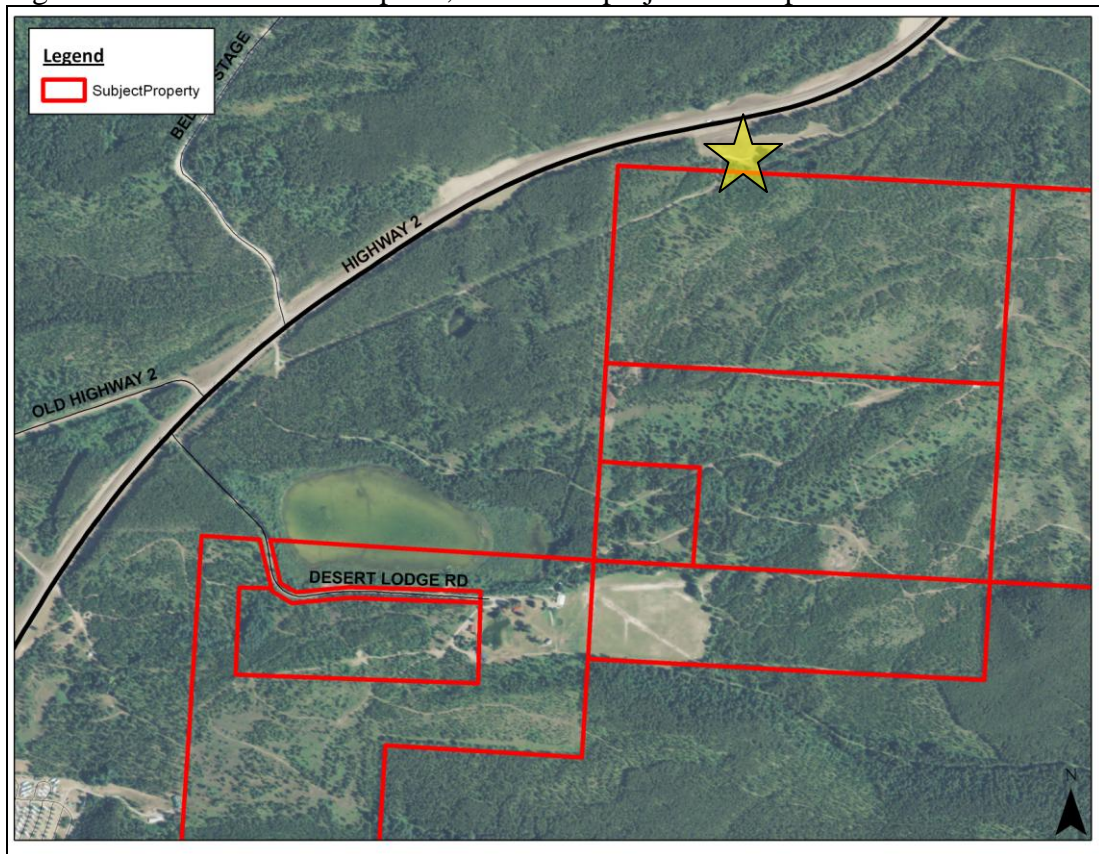


Section 4.1(B)(1) of CALURS states “all roads hereafter developed providing access to commercial or industrial lots or to new subdivisions from improved county roads shall provide legal, all-weather access and be constructed in accordance with County road standards and be designed to allow ready access to emergency vehicles or those specified in the Flathead County Subdivision Regulations. The developer or property owners shall be responsible for maintenance of access roads. This standard shall not be applied to existing residential driveways or to shared private roads serving tracts of record in existence at the time of adoption of these regulations.” The proposed major land use will be accessed using an existing gravel County road and/or an existing gravel Forest Service road; both of these roads have provided service to the subject property since before the adoption of these regulations. Because both the subject property - and access to the subject property - existed prior to the adoption of these regulations, the requirement to construct or improve the access road, pursuant to Section 4.1(B)(1), does not apply. To ensure the type and amount of traffic that will be created as a result of the proposed land use is appropriate for FS Road 11067 in its current state, written acknowledgement from the Forest Service will be required prior to use, and all necessary permits and improvements required by the Forest Service shall be obtained and/or completed as required.

An alternative option for access to the proposed zip line and ropes course exists further north along U.S. Highway 2 East; the applicants have expressed an interest in

obtaining direct access from the highway through an old gravel pit area located approximately ¾ miles northeast of Desert Lodge Road (see Figure 4 below). Should such access be obtained in the future, the applicants have proposed Phase 3 of their development plan would be relocated to this area (office building, restrooms, staging and parking). Comment submitted from the Montana Department of Transportation indicates all appropriate permitting will be required to be secured for this new access prior to use. Additionally, any new approach and road construction resulting from the securing of this alternate access will be required to adhere to the standards outlined in Section 4.1(B)(1) of CALURS.

Figure 4: Alternative access point, Phase 3 of project development.



Finding #2 - The proposed major land use application is in compliance with the access and road requirements detailed in the Performance Standards because the subject property is an existing tract(s) of record created prior to the adoption of the CALURS regulations, will be accessed using an existing Forest Service road that has historically provided access to the property, and will be required to obtain written acknowledgement from the Forest Service that use of the road for the proposed commercial activity is acceptable, as well as obtain any permits and complete improvements as required by the Forest Service prior to operation.

Finding #3 - The access alternative proposed for Phase 3 of the major land use application would comply with the access and road requirements detailed in the

Performance Standards because a new approach onto U.S. Highway 93 will require review approval from the Montana Department of Transportation prior to use, and the new approach and any resulting road construction will be required to adhere to the standards set forth in Section 4.1(B)(1) of CALURS.

C. Sanitation

Water and Sewer Services

The applicants have proposed development of the zip line and ropes course in three phases to occur over an undefined period of time. The first phase does not identify any building construction, merely the development of the zip line and ropes courses themselves and the installation of approximately 28 poles and 16 decks, per the application materials submitted. During this first phase of development, no well or septic facilities will be necessary to serve the course onsite, as tickets sales and group staging will primarily occur at the Montana Raft Company's main office. The applicants have proposed the installation of one or two port-a-potties on-site, to serve guests and employees beginning and finishing the course. While the applicants have not stipulated the exact location of the port-a-potties, it is likely they will be located near 'Landing One', the staging and parking area designated as #3 on the site plan submitted. This area is accessible via an established logging road, and would provide easy access for servicing of the facilities as needed. Regardless of the final location of the port-a-potty units, it will be imperative they are located in an area that is easily accessible by truck for their delivery, servicing and removal over time.

During the initial development phase, ticket sales, guest staging and transportation will occur from the Montana Raft Company's main office located at 2600 Old U.S. Highway 2 East (approximately four miles northeast of the subject parcels). Comment from the Environmental Health Department indicated concern with this proposal, as the number of zip line/ropes course participants anticipated at the height of the season - in addition to those guests partaking in other guided trip activities – has the potential to put a strain on the existing sewage treatment system. Assuming a total of 18 tours are conducted per day (at the height of the tourist season), and each of those tours has the maximum number of participants (12), a total of 216 guests may utilize the main office facilities on any given day, in addition to other participants in guided rafting, fishing and hiking adventures, *and* employees. The Environmental Health Department has therefore requested an accounting of the current wastewater generation at the Montana Raft Company's main office complex be provided to the Environmental Health Department prior to commencement of zip line tours, to ensure the existing system has the capability to handle the proposed use.

Phase 2 of the proposed expansion would include the construction of a 24' x 60' sheltered pavilion on the subject property, most likely near #3 on the site plan submitted. Phase 3 of the proposed expansion would include the construction of a 1,000 sq. ft. office building, 600 sq. ft. equipment shed and 400 sq. ft. restroom facility. The location of these structures would be either at Landing One (#3 on the

site plan), or at a revised entrance and staging location at the northwest corner of Tract 4 (reference #4a on the site plan). Regardless of the location of the future construction proposed, all permitting requirements for well and septic facilities, through both the Department of Environmental Quality (DEQ) as well as the Environmental Health Department, will be required to be met prior to operation of the newly constructed facilities.

Additional comment from the Environmental Health Department indicated the need for additional clarification related to food service offerings. As a guest ranch, the existing Green Valley Ranch facility is not subject to licensure by the Food & Consumer Safety Section of the Department of Public Health and Human Services (DPHHS). However, any change in operation relative to expansion may require licensure. Should the proposed land use be approved, and prior to moving forward with any on-site improvements, the applicant would be required to meet with the Environmental Health Department to clarify the services being offered; in particular, any food service related to the zip line tours and any overnight camping resulting from this use.

In dealing with the issue of solid waste disposal on the subject property, as a result of the zip line and ropes course tours, the applicants have proposed contract haul services be utilized for refuse removal, with bear proof containers to collect waste. Comment received from James Chilton, Operations Manager for the Flathead County Solid Waste District, indicates the applicants are approaching the matter of solid waste disposal in an appropriate manner based upon review of their application.

Finding #4 – As proposed, the number of guests anticipated as a result of the proposed zip line and ropes course tours may negatively impact existing wastewater facilities at the Montana Raft Company main office complex; however, these impacts may be anticipated and sufficiently mitigated by requiring the applicants to account for use of the existing facilities in this location to, and undergoing any subsequent review and approval measures required by the Environmental Health Department.

Finding #5 – The construction of office space and restroom facilities proposed in the latter phases of the zip line/ropes course development would be capable of meeting the sanitation requirements of the district because it would be required to undergo review and receive approval from both the Montana Department of Environmental Quality and the Environmental Health Department prior to operation.

Finding #6 – The proposed land use appears to comply with the sanitation requirements outlined in Chapter 4 of CALURS because the applicants have proposed contract haul services for waste removal from the subject property, and will utilize bear-proof containers to mitigate impacts to – and potential conflict with – wildlife; and because comment received from the Flathead County Solid Waste District indicates solid waste is being dealt with in an appropriate manner.

D. Flood Hazard Areas

According to Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM) #30029C1135G, the subject property is located in 'Zone X', an area determined to be outside the 0.2% annual chance floodplain.

Finding #7- The proposed major land use application is in compliance with the Flood Hazard requirements detailed in the Performance Standards because the property is in an area determined to be outside the 0.2% annual chance floodplain, therefore no impacts to floodplain are anticipated as a result of the proposed land use.

E. Natural Resource Protection

Based on staff's assessment of the subject property, in addition to information provided by the National Wetlands Inventory (NWI) and the National Hydrography Dataset (NHD), there do not appear to be any wetland or riparian areas on the property, nor are there any seasonal streams or drainages that may be impacted as a result of the proposed development. While a portion of Tract 1B does have a small lake (Lake West) and some associated wetland, the proposed zip line, ropes course, parking, staging area and future development phases are situated on tracts 4, 4A, 4AA, 3 and 3A and do not affect Tract 1B or the portion of Forest Service land on which the lake is situated.

The proposal intends to utilize the existing road infrastructure and trail network, limiting the amount of clearing of natural vegetation and keeping impacts fairly limited to the existing cleared areas and transportation routes on premise. Phase one of the proposed zip line and ropes course will result in minimal on-site construction and limited impervious surface area; based on details provided in the application, approximately 6,400 square feet of impervious surface will be added as a result of the zip line course, assuming 16 decks are constructed at an average of 400 sq. ft. apiece. Future development phases would result in an additional 3,440 sq. ft. of impervious surface area, with the construction of a sheltered pavilion (1,440 sq. ft.); 1,000 sq. ft. office; 600 sq. ft. equipment shed and 400 sq. ft. restroom facility. The additional 10,000 sq. ft. of impervious surface – and resulting stormwater run-off – will likely be able to be accommodated effectively on the roughly 475 acre property through natural infiltration and absorption. Future development in Phases 2 and 3 will be required to adhere to the provisions found in Section 4.1(E)(6) of CALURS, to ensure grading and drainage facilities are established to effectively handle stormwater runoff and prevent the accumulation of standing water on premise.

Finding #8 - The proposed major land use application is in compliance with the Natural Resource Protection requirements detailed in the Performance Standards because there are no wetlands, streams, lakes or natural drainages identified on the subject property that will be impacted as a result of the proposed development; existing infrastructure and cleared areas will be utilized to minimize additional removal of the natural vegetation; and because stormwater resulting from the limited amount of

development set to occur in Phases 2 and 3 of the proposal will be adequately accommodated through onsite infiltration and absorption.

F. Site Development

Many of the performance standards outline under “Site Development” in Chapter 4 are specific to subdivision development and do not apply to the major land use permit request under review. The subject property is located outside of the “Designated Community Center” and the “Designated Service Center”, and the proposed land use does not result in the creation of new lots or tracts, nor is it changing the configuration or boundaries of the existing tracts under review. While no structures requiring water and sewer are to be built on the subject property during Phase 1 of the proposed development, the subject property is large enough to accommodate onsite water and septic facilities if required for Phases 2 and 3 of the zip line/ropes course proposal. Phase 1 of the proposed zip line/ropes course only involves the construction of elements related to the ropes course itself (such as poles, bridges and decking), and does not involved the construction of structures to which setbacks would apply. All future construction of buildings – whether on Tract 4AA (Landing One) as proposed, or Tract 4 near the alternate approach/entrance – will be required to adhere to the bulk and dimensional requirements of the “Middle Canyon” district (pursuant to Section 4.1(F)(4) and (F)(9) of CALURS).

No utilities are proposed extended as part of Phase 1 of the zip line development; the application states that generators will be brought in during the construction of the zip line elements and then removed. Should utilities be required extended as part of Phase 2 or 3 of the proposal, these utilities will be required placed underground and within appropriate easement as (pursuant to Section 4.1(F)(5) through (F)(7) of CALURS).

The construction of commercial buildings proposed in Phases 2 and 3 of the project appear to be located in an area of the property where slopes are less than 25%, in accordance with Section 4.1(F)(12) of CALURS. The parcels primarily utilized for the zip line and ropes course tours are set back from the highway; any development resulting from the proposal would not be visible from the highway right-of-way and should not intersect with the skyline when viewed from the highway corridor. Should the staging area, office space and restrooms be constructed near the north boundary of Tract 4 (as part of the alternate access scenario), the applicant’s will be required to adhere to the design standards set forth in this section of the regulations, observing the restrictions on development extending above any topographic ridgeline; maintaining a visual screen (vegetative buffer, landscaped berms) between the new development and the highway; and paving the access and parking area if the structures in Phase 2 and 3 are located within 300 feet of the U.S. Highway 2 East right-of-way.

CALURS defers to Section 6.01 through 6.10 of the Flathead County Zoning Regulations for guidance on parking requirements related to land uses within the Canyon. While there is no clear guidance in this section of the regulations for parking

related to zip line tours, it is reasonable that the amount of parking required for such activities would be assessed similar to a ski area (either downhill or cross-country). Cross-country ski areas require two (2) parking spaces for every one (1) mile of trail served; downhill ski areas require one (1) space for every four (4) skiers. As we do not know the mileage of the proposed ropes course yet, it would be reasonable to require a minimum of one space per four guests at peak operation, in addition to employees. The application states there will be between 12 and 15 employees at any given time onsite, so at minimum 15 parking spaces should be set aside to accommodate zip line employees. Each tour will have (up to) 12 participants, and the applicant anticipates running 18 tours per day during peak season. Parking required for each tour would be three spaces, and one could anticipate the need for an additional 6 parking spaces to accommodate any overlap in tours. By this calculation, a minimum of 24 parking spaces will need to be located on the subject property at Landing One (as shown on the site plan and schematic layout submitted). The site plan submitted in the application shows 55 10'x20' parking spaces at this location, well in excess of what would be required by the regulations. The applicants have stated the parking spaces will be demarcated appropriately, in accordance with Section 6.14.010 FCZR.

Phase one of the proposed expansion will keep parking onsite to a minimum, as guests will be shuttled by van from the Montana Raft Company's main office to the subject property; while employee parking will still be required onsite during this phase, it is imperative that the nine spaces anticipated for guest parking can be accommodated at the Montana Raft Company's office location, in addition to the parking necessary for their other guest activities.

Finding #9 - The proposed major land use application is in compliance with the Site Development requirements detailed in the Performance Standards because the proposal will not result in the creation of new lots, and because Phase 1 of the proposed zip line development will not result in the extension of utilities, the construction of a water or wastewater system, or the construction of any buildings at this time.

Finding #10 - Future phases of the zip line development proposal would comply with the Site Development standards because the location of the office, equipment shed and restroom facilities at Landing One (current proposal) would be able to comply with the bulk and dimension requirements of the district; would not infringe on views of any ridgeline and would not be visible from the highway. Should these buildings be constructed at the alternate location proposed (identified as #4a on the site plan), they would continue to meet the bulk and dimensional requirements of the district and would be required to adhere to the design standards set forth in Chapter 4.

Finding #11- The proposed major land use is in compliance with the Site Development requirements detailed in the Performance Standards because storm water can be accommodated on site through infiltration and absorption without affecting any water bodies or natural drainage areas.

Finding #12 - The proposed major land use is in compliance with the Site Development requirements detailed in the Performance Standards because the applicant exceeds the minimum parking requirements for onsite parking, and would be required to show that guest parking could be safely accommodated at the Montana Raft Company's main office during Phase 1 of the development.

G. Planned Community Standards

The proposed land use does not involve a planned community; this section of CALURS is not applicable to the proposal.

Finding #13 - 'Planned Community Standards' are not applicable because the proposal is not a planned community.

H. Dog Day Care Standards

The proposed use is not for a Dog Day Care establishment; this section of CALURS is not applicable to the proposal.

Finding #14 - Dog Day Care Standards are not applicable because the proposal is not for a dog day care facility.

V. PERFORMANCE GUIDELINES

This section is intended to provide guidelines, as opposed to mandatory standards, to the development of new uses. The listed guidelines should be incorporated into a project design whenever practical. Because the performance standards are not mandatory, no findings of fact will be made.

A. Developments should be designed and constructed to minimize cutting and filling of slopes.

The majority of the development set to occur as a result of the proposed zip line/ropes course will utilize the existing trail network and logging roads, to minimize removal of native vegetation as well as disturbance to the landscape. Future development in later phases (Phase 2 and 3) of the project is proposed in an area of the property with minimal slopes, to avoid excessive cut and fill.

B. Developments should be designed and constructed to minimize the disturbance of trees and other natural vegetation, soils, stream banks, and lakeshores. Disturbed soils should be re-vegetated within the earliest growing season with plant species native to the region.

As previously discussed, the majority of the development set to occur as a result of the proposed zip line/ropes course will utilize the existing trail network and logging roads, to minimize removal of native vegetation as well as disturbance to the landscape. There are no streams, stream banks, lakes or lakeshore that will be affected by the proposed major land use.

C. New growth is encouraged to locate near existing community centers.

The subject property is located within five (5) miles of the West Glacier community.

- D. The proposed building, structure, or alteration will not obstruct, hinder, impede, or conflict with road, water, sewer, power, and any other public or utility services presently provided or any reasonable or foreseeable extension thereof.**

The proposed use will not obstruct, hinder, impede or conflict with any facility, utility, or road – existing or in the future – as the use will be confined to private property and will be required to adhere to all Forest Service requirements for access via FS Road No. 11067.

- E. Expansion of existing commercial uses is preferred over the establishment of new commercial uses outside of established community service centers.**

The proposed zip line and ropes course is an expansion of the existing Green Valley Ranch, a commercial dude ranch pre-dating the creation of the CALURS zoning district.

- F. New commercial uses and residential subdivisions should be located within a rural fire district or be able to obtain contract services from a fire fighting agency.**

The subject property is located within the jurisdiction of the Coram/West Glacier Rural Fire District.

- G. Use of unpainted metal siding on commercial buildings visible from U.S. Highway 2 is discouraged.**

At present, no commercial buildings or development is proposed that will be visible from U.S. Highway 2 East, or that will utilize unpainted metal siding.

- H. New development should minimize disturbance of forest and other vegetation associations in proximity to the footprints of the structure(s), roads, etc.**

As previously discussed, the majority of the development set to occur as a result of the proposed zip line/ropes course will utilize the existing trail network and logging roads, to minimize removal of native vegetation as well as disturbance to the landscape.

- I. New roads should provide suitable access to serve the intended uses without excessive road width, looping, or fragmentation of habitats. Paving of roads is encouraged especially in close proximity to existing community centers.**

New roads were not required for the proposed expansion of use.

- J. Clustering of development is encouraged so as to minimize the area of actual disturbance or alteration of habitat features.**

The proposed use is not a subdivision and clustering is not applicable.

- K. Site planning should encourage the siting of new structures away from critical habitats including wildlife movement corridors.**

The subject property does not have any known critical habitats or wildlife corridors.

- L. Subdivision approval of additional lots should consider impacts to school enrollment and to other public services**

The proposed expansion is not a subdivision; this performance guideline does not apply.

VI. SUMMARY OF FINDINGS

Finding #1- The signage proposed by the applicant for the major land use under review does not comply with the performance standards outlined in the regulations because a variance is necessary prior to the reallocation of on-premise sign square footage; however, alternatives exist that would allow the incorporation of both on-premise and off-premise signage for the proposed major land use, in accordance with the regulations.

Finding #2 - The proposed major land use application is in compliance with the access and road requirements detailed in the Performance Standards because the subject property is an existing tract(s) of record created prior to the adoption of the CALURS regulations, will be accessed using an existing Forest Service road that has historically provided access to the property, and will be required to obtain written acknowledgement from the Forest Service that use of the road for the proposed commercial activity is acceptable, as well as obtain any permits and complete improvements as required by the Forest Service prior to operation.

Finding #3 - The access alternative proposed for Phase 3 of the major land use application would comply with the access and road requirements detailed in the Performance Standards because a new approach onto U.S. Highway 93 will require review approval from the Montana Department of Transportation prior to use, and the new approach and any resulting road construction will be required to adhere to the standards set forth in Section 4.1(B)(1) of CALURS.

Finding #4 – As proposed, the number of guests anticipated as a result of the proposed zip line and ropes course tours may negatively impact existing wastewater facilities at the Montana Raft Company main office complex; however, these impacts may be anticipated and sufficiently mitigated by requiring the applicants to account for use of the existing facilities in this location to, and undergoing any subsequent review and approval measures required by the Environmental Health Department.

Finding #5 – The construction of office space and restroom facilities proposed in the latter phases of the zip line/ropes course development would be capable of meeting the sanitation requirements of the district because it would be required to undergo review and receive approval from both the Montana Department of Environmental Quality and the Environmental Health Department prior to operation.

Finding #6 – The proposed land use appears to comply with the sanitation requirements outlined in Chapter 4 of CALURS because the applicants have proposed contract haul services for waste removal from the subject property, and will utilize bear-proof containers to mitigate impacts to – and potential conflict with – wildlife; and because comment received from the Flathead County Solid Waste District indicates solid waste is being dealt with in an appropriate manner.

Finding #7- The proposed major land use application is in compliance with the Flood Hazard requirements detailed in the Performance Standards because the property is in an

area determined to be outside the 0.2% annual chance floodplain, therefore no impacts to floodplain are anticipated as a result of the proposed land use.

Finding #8 - The proposed major land use application is in compliance with the Natural Resource Protection requirements detailed in the Performance Standards because there are no wetlands, streams, lakes or natural drainages identified on the subject property that will be impacted as a result of the proposed development; existing infrastructure and cleared areas will be utilized to minimize additional removal of the natural vegetation; and because stormwater resulting from the limited amount of development set to occur in Phases 2 and 3 of the proposal will be adequately accommodated through onsite infiltration and absorption.

Finding #9 - The proposed major land use application is in compliance with the Site Development requirements detailed in the Performance Standards because the proposal will not result in the creation of new lots, and because Phase 1 of the proposed zip line development will not result in the extension of utilities, the construction of a water or wastewater system, or the construction of any buildings at this time.

Finding #10 - Future phases of the zip line development proposal would comply with the Site Development standards because the location of the office, equipment shed and restroom facilities at Landing One (current proposal) would be able to comply with the bulk and dimension requirements of the district; would not infringe on views of any ridgeline and would not be visible from the highway. Should these buildings be constructed at the alternate location proposed (identified as #4a on the site plan), they would continue to meet the bulk and dimensional requirements of the district and would be required to adhere to the design standards set forth in Chapter 4.

Finding #11- The proposed major land use is in compliance with the Site Development requirements detailed in the Performance Standards because storm water can be accommodated on site through infiltration and absorption without affecting any water bodies or natural drainage areas.

Finding #12 - The proposed major land use is in compliance with the Site Development requirements detailed in the Performance Standards because the applicant exceeds the minimum parking requirements for onsite parking, and would be required to show that guest parking could be safely accommodated at the Montana Raft Company's main office during Phase 1 of the development.

Finding #13 - 'Planned Community Standards' are not applicable because the proposal is not a planned community.

Finding #14 - Dog Day Care Standards are not applicable because the proposal is not for a dog day care facility.

VII. CONCLUSION

In accordance with the provisions of Chapter 3 of the Canyon Area Land Use Regulatory System (CALURS), a review and evaluation of the Major Land Use application for the expansion of an existing commercial use to allow zip line tours has been completed by the staff of the Planning Board. The proposal appears to generally comply with the applicable criteria found in Chapters 4 and 5 of CALURS, pursuant to Findings of Fact stated above. Should the Planning Board forward a recommendation of approval of this proposed land use to the Flathead County Commissioners, the following conditions should be considered to supplement that recommendation:

VIII. CONDITIONS

1. The major land use proposed – the addition of zip line and ropes course tours as an expansion of an existing commercial use - shall be in substantial conformance with the application materials and site plan submitted and approved by the Board of Commissioners and modified by the conditions below.
2. The sheltered pavilion, office building, equipment shed and restroom facility proposed as part of Phases 2 and 3 of the zip line development shall be required to adhere to all site development requirements of the zoning district, including setback, structural height and location.
3. Any sign erected or altered advertising the lodge must comply with all standards of the Outdoor Advertising section found in Chapter 4 of CALURS. Under the current regulations, the applicants would be permitted one (1) 16 sq. ft. on-premise sign (located on the subject property under review), in addition to one (1) 8 sq. ft. off-premise sign located at the intersection of Desert Lodge Road and U.S. Highway 2 East (with permission from the adjacent property owner and after securing the necessary permits from the Montana Department of Transportation, per Section 4.1(a)(2) CALURS. Re-allocation of the permissible sign square footage would require review and approval of a variance by the Flathead County Board of Adjustment.
4. The applicant shall obtain written confirmation from the U.S. Forest Service approving use of Forest Service Road #11067 for the commercial zip line and ropes course tours proposed. Should the Forest Service require any additional permitting or upgrading of the road, this shall be completed prior to operation. Written confirmation from the Forest Service, as well as any required permit(s), shall be made available to the Flathead County Planning and Zoning Office upon request.
5. The applicant must obtain an approach permit from the Montana Department of Transportation prior to utilizing the alternate approach (north of Tract 4) for Phase 3 of the proposed development. The approach must be constructed to MDT standards and inspected prior to operation. If obtained, the approved permit must be made available to the Flathead County Planning and Zoning Office upon request.
6. All new electrical and telephone utilities shall be extended underground and placed within appropriate easement for continued legal access, pursuant to Section 4.1(F)(5) CALURS.

7. Solid Waste removal shall be provided by a contracted solid waste hauler. All solid waste stored outside shall be stored in bear proof containers.
8. Prior to commencement of zip line tours, the applicants shall the meet with the Environmental Health Department to clarify food services being offered in relation to the major land use proposed. Documentation this has been completed, as well as any necessary permits required by the state or local reviewing authority, shall be made available to the Planning and Zoning Office upon request.
9. Prior to commencement of zip line tours, the applicants shall provide operational details regarding water use and septic capacity at the Montana Raft Company's main office complex to the Environmental Health Department for review, to ensure the existing system has the capability to handle the proposed use (in Phase 1). Documentation this has been completed shall be made available to the Flathead County Planning and Zoning Office upon request.
10. The property shall undergo review and receive approval from the Department of Environmental Quality and the Flathead City County Health Department for all future construction that requires connection to water and/or septic (specifically in Phases 2 and 3). All required permits must be made available to the Flathead County Planning and Zoning Office upon request.
11. If necessary, the applicant shall obtain all necessary building permits from the Montana Department of Labor and Industry prior to construction and operation of the pavilion, office space and restroom facility. All required permits shall be made available to the Flathead County Planning and Zoning Office upon request.
12. Phase I of the proposed zip line development shall be completed within three (3) years; Phase II as proposed shall be completed within three (3) years of completion of Phase I; and Phase III as proposed shall be completed within three (3) years of completion of Phase II, to ensure continued compliance with these regulations and this major land use review.
13. The maximum height of any structural element (excluding decking but including poles, towers or other elements permanently attached to the ground) shall not extend more than 35 feet above the highest topographic point on the subject property considered by this review.

Planner: AM